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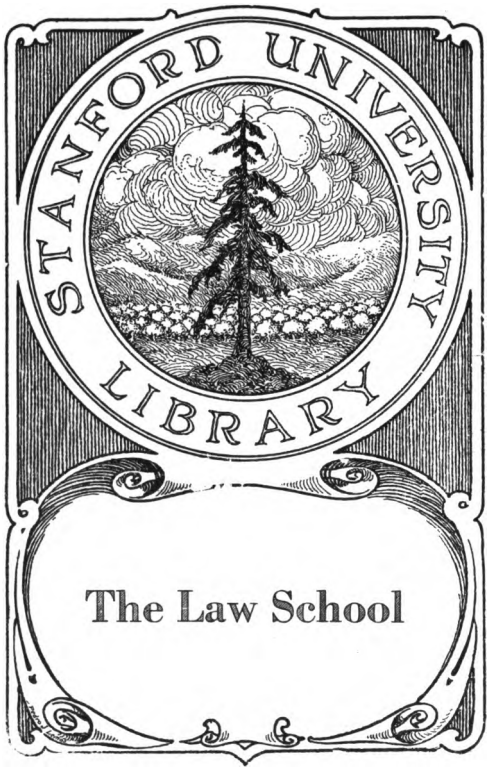

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LAWS

OF HIS MAJESTY

KAMEHAMEHA IV.,

KING OF THE HAWAIIAN ISLANDS,

PASSED BY THE

NOBLES AND REPRESENTATIVES,

AT THEIR SESSION,

1860.

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SESSION LAWS, 1860.

AN ACT

TO AMEND SECTION 135 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That Section 135 of the Civil Code be and hereby is amended by adding to the end thereof the following, to wit:

"To establish the offense contemplated in this section, it is sufficient to prove that the party charged therewith has procured the shipment of a foreign seaman as an agent, for a beneficial consideration, although he may not have demanded or received a shipping fee, or surety fee, by a percentage of the amount advanced to the seaman shipped."

Approved this 21st day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND SECTION 204 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That from and after the date of the passage of this Act,

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Section 204 of the Civil Code be and the same is hereby amended to read as follows, viz :

SECTION 204. "Every person who shall violate any of the rules and regulations prescribed for the government of any public market or markets, or who shall stand or occupy for the sale or vending of any poi, fish, crawfish, oysters or shell fish, or any kind of fruit or vegetables, in any street in the city of Honolulu, shall be fined one dollar for such offence, and it shall be the duty of the Clerk of the Market to prosecute all such offenders : Provided, however, that the fines mentioned in this section shall not be imposed until such time as suitable markets and conveniences are set apart for the public use by the Minister of the Interior."

Approved this 21st day of August, 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND SECTION 278 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That from and after the day of the passage of this Act, Section 278 of the Civil Code is hereby amended to read as follows, viz :

SECTION 278. "There shall be appointed by the King in Privy Council, upon the nomination of the Minister of the Interior, a Board of Health, consisting of five persons, two of whom shall be medical practitioners, who shall act as examiners, and who shall serve during the King's pleasure, and be charged with the general oversight and care of the public health."

Approved this 28th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

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AN ACT

TO AMEND SECTION 401 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

That Section 401 of the Civil Code be, and the same is hereby amended, by inserting after the word " vessel," in the first line, the words " from a foreign port."

This Act shall take effect from and after the date of its publication.

Approved this 30th day of June, 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND SECTION 482 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That Section 482 of the Civil Code be and is hereby amended to read as follows :

SECTION 482. " All carriages and wagons drawn by one or mc horses or mules, used for the conveyance of persons, shall each be yearly taxed five dollars."

SECTION 2. This Act shall take effect and be a law of the land from and after the day of its publication.

Approved this 13th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU

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AN ACT

TO AMEND THE ENGLISH VERSION OF SECTION 486 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

That from and after the date of the passage of this Act, Section 486 of the Civil Code be and the same is hereby amended by striking out the word "one" in the third line of the English version, so that the section shall read as follows :

SECTION 486. "An annual tax of two dollars, for the support of Public Schools, shall be paid by every male inhabitant of the Kingdom between the ages of twenty and sixty years, whether a Hawaiian subject or an alien, unless the person be exempted from such payment by law, or by the Assessor of the District in which he resides, on account of age, infirmity or poverty, or unless he be a student actually in attendance at any of the high schools or colleges."

Approved this 4th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND SECTION 509 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled ;*

SECTION 1. "That the word 'Kona' be struck out from the second line from the bottom of Section 509 of the Civil Code, and the word 'Honolulu' inserted in its place ; and that the words 'and Hilo, Hawaii,' be inserted in the same line after the word 'Maui,' so that the last part of the said section may read when amended as follows, viz : Provided, however, that the compensation paid to the Collectors of Honolulu, Oahu; and Lahaina, Maui; and Hilo, Hawaii, may, in the discretion of the Minister of Finance, be reduced to not less than five per cent."

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SECTION 2. This law shall take effect and be the law of the land from and after the day of its passage.

Approved this 13th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND SECTION 529 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That Section 529 of the Civil Code be, and the same is, hereby amended, by striking out the word "merchant."

Approved this 15th day of June, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO REPEAL SECTION 562 AND TO AMEND SECTION 563 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That Section 562 of the Civil Code be and the same is hereby repealed: Provided, however, that nothing in this Act contained, shall be construed to exempt any person transhipping any goods, wares or merchandise without permit from the Collector of Customs, or who shall make out or pass, or attempt to pass, through any Custom House, any false, forged or fraudulent invoice, or any of his aiders and abettors, from the penalties prescribed in Section 655 of the Civil Code.

SECTION 2. That Section 563 of the Civil Code be and the same is hereby amended to read as follows:

SECTION 563. "All goods, wares and merchandise of every kind

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and description whatsoever, imported into this Kingdom, shall upon exportation be entitled to a drawback equal to all duties payable upon such goods: Provided that no goods or liquors shall be entitled to drawback unless the same are exported in the original packages, and shall have been stored and remained in the public stores under the charge of the Collector of Customs."

SECTION 3. This Act shall take effect from and after the date of its publication.

Approved this 24th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND SECTION 620 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That from and after the day of the passage of this Act, Section 620 of the Civil Code is hereby amended to read as follows, viz :

SECTION 620. "The Governor of Maui shall cause a bell to be rung at the port of Lahaina at seven o'clock of each evening, as a signal to all mariners, at that time on shore without the written permission of the Chief of Police, to return on board their vessels ; and the bell shall again be rung at eight o'clock, and all mariners found on shore after that time without such written permission, shall be liable to arrest and a fine of two dollars."

Approved this 13th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

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AN ACT

TO AMEND SECTION 624 OF THF CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That Section 624 of the Civil Code shall be and is hereby amended to read as follows:

SECTION 624. In case the commanding officer of any vessel shall decline to receive any deserter from his vessel upon arrest, and such deserter shall remain in prison after his arrest, the commanding officer shall pay one dollar per day for the time during which said deserter shall so remain imprisoned; and in all cases when a vessel shall leave the port, and any person who deserted from the same shall remain in prison, or be arrested thereafter, the said deserter shall be liable to pay the fee for his arrest as provided in Section 622 of the Civil Code, and for his detention as above prescribed.

Approved this 9th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND SECTIONS 742, 743 AND 744 OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That Sections 742, 743 and 744 be and are hereby amended to read as follows:

SECTION 742. It shall be lawful for the Board of Education to establish English schools for Hawaiian youth on the several islands of this Kingdom, at such places as it shall deem most advantageous for extending a knowledge of the English language among the natives.

Such schools shall be kept in session not less than forty weeks in the year, for five days in each week, and not less than five hours each day.

Before assuming the support of any such school, the Board of Education shall require the parents or guardians of the children who may

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desire to participate in its advantages, to come under a written obligation to said Board or its local directors :

1. To pay towards the support of such school such an amount and at such times as said Board shall deem reasonable and proper in the circumstances of each school.

2. To send their children or wards regularly to such schools for at least five consecutive years, or until released from such obligation for cause by said Board or its local directors.

3. To provide for their children or wards suitable boarding, lodging, clothing, and the necessary books and stationery, and place them, while enjoying the advantages of said English schools, under the guardianship of the said Board or its local directors.

It shall also be lawful for the Board of Education to establish family schools for the domestic training of Hawaiian girls, in which the English language shall be taught.

Such family schools shall be subject to such regulations as the Board of Education may from time to time prescribe.

Before assuming the support of any such family school, the Board of Education shall require the parents or guardians of such girls who may desire to participate in its advantages, to come under a written obligation to said Board or its local directors : 1st. To pay towards the support of such family school such an amount, and at such times as said Board shall deem reasonable and proper in the circumstances of each school. 2d. To send their daughters or wards to such family school for at least six consecutive years, or until released from such obligation for cause by said Board or its local directors.

SECTION 743. It shall be lawful for said Board of Education to appoint such local directors for the aforesaid schools, in their several localities, as they shall deem proper, and grant to them power to employ teachers, make rules and regulations, not contravening any law of this kingdom, for the schools under their care, and also for the transaction of their own business.

It shall be the duty of the several local Boards of Directors established under this law, or established previously and now coming under its operation, to report quarterly to the President of the Board of Education, the condition and progress of the schools under their care, and also to account quarterly for any and all amounts received for the support of such schools, and how said amounts have been disbursed.

SECTION 744. It shall also be lawful for the Board of Education to

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grant aid from time to time in such a manner as, in its judgment, shall best afford encouragement to any family school for Hawaiian girls in which the English language is taught, established by private individuals or associations, from such sources as are hereinafter provided.

Any such private individual or association receiving such aid from the Board of Education, shall report annually, or oftener if called for, to the President of said Board the condition and progress of such family school, and the manner in which the aid rendered has been expended.

It shall be lawful for the Board of Education to use for the purposes herein set forth, over and above any amount that may be appropriated by the Legislature, the following funds, viz :

1st. The interest on the school fund.

2d. Fifteen per cent of the school tax of each judicial circuit, to be expended within said circuit.

This law shall take effect and be the law of the land from and after the day of its passage.

Approved this 18th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND SECTION 881 OF THE CIVIL CODE, TO ENLARGE THE JURISDICTION OF THE CIRCUIT COURTS.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That Section 881 of the Civil Code be amended by striking out the last clause of that section, viz : "except of crimes punishable by death," etc.

SECTION 2. All laws, or parts of laws, in conflict with this section as thus amended, shall be and hereby are repealed.

Approved this 13th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

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AN ACT

TO AMEND ARTICLE 44, CHAPTER 16, OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That the title of Article 44, Chapter 16, of the Civil Code, and Sections 996, 997 and 1001 under said Chapter, be and the same are hereby amended so as to read as follows :

ARTICLE XLIV.—OF THE SETTLEMENT OF CONTROVERSIES RESPECTING RIGHTS OF WAY AND RIGHTS OF WATER.

SECTION 996. "There shall be appointed by the Minister of the Interior, in each election district throughout the Kingdom, three suitable persons to act as commissioners of private ways and water privileges.

SECTION 997. "It shall be the duty of such Commissioners within their respective districts, to hear and determine all controversies respecting rights of way and rights of water, between private individuals or between private individuals and the Government.

SECTION 1001. "The Commissioners shall receive the sum of two dollars each per diem, as a compensation for their services in settling any such controversies, which compensation shall be paid by either of the parties alone, or by all the parties interested, in such proportions as the Commissioners may adjudge. In case of appeal, the compensation of the Commissioners, as well as the additional costs, shall abide the decision of the appellate court."

SECTION 2. Nothing in this Act contained shall be deemed to interfere or conflict with the provisions of the Act entitled "An Act to authorize the Minister of the Interior to take possession of whatever land and water may be required for the use of the Honolulu Water Works."

SECTION 3.—This Act shall take effect from and after the date of its passage.

Approved this 28th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

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AN ACT

TO AMEND CERTAIN PORTIONS OF THE PENAL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the 38th Chapter of the Penal Code, relating to vagrants and disorderly persons, shall be amended by the addition of another section, which shall read as follows:

SECTION 4. "The court or magistrate having jurisdiction of the offenses specified in the 2d Section of this Chapter, when in their opinion a sentence to imprisonment merely would not subserve the ends of justice, are hereby authorized to sentence any such person as shall have been found guilty of any of the said offenses, to imprisonment at hard labor for a term not exceeding three months."

SECTION 2. That the 2d division of the 15th Section of the 16th Chapter of the Penal Code, in regard to "Larceny," shall be amended by substituting in place of the word "five," before the word "dollars," the words "twenty-five," so that the amount stolen in the night time to constitute larceny in the second degree, shall be twenty-five dollars instead of five dollars as at present.

SECTION 3. That Section 1 of Chapter 35 of the Penal Code shall be amended in the English version by inserting in the sixth line of the first section, after the word "imprisonment," the words "at hard labor," so as to make it correspond with the native version of the Code.

SECTION 4. This Act shall take effect and become law from and after the date of its publication.

Approved this 20th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND CHAPTER XLII OF THE PENAL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That Chapter 42 of the Penal Code be and the same

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is hereby amended by the addition of a new section, as follows, to wit :

SECTION 5. "All stills, distilling apparatus, or other articles in use or having been used in distilling spirituous liquors, or other intoxicating drinks or substances, within this kingdom, and also all spirituous liquors or other intoxicating drinks or substances manufactured within this kingdom, shall be forfeited to the Crown, and may be seized and taken possession of by the Marshal, Sheriffs, or their deputies, or by any constable ; and all articles so seized by any other officer than the Marshal or Sheriff, shall without delay be delivered into the care of the Marshal or Sheriff nearest to the place of seizure, who shall cause a notice of such seizure to be published in the Government gazette, and unless the owner, or some person authorized to claim possession thereof, shall, within twenty days from the day of such notice of seizure, file with the officer having the same in possession, a written claim to such property so seized, it shall be held to be condemned as forfeited to the Crown ; and in all cases where the owner, or some person claiming the right of possession, shall file written claim as herein provided, it shall be the duty of Marshal or Sheriff having the property in possession, to furnish to the District Attorney of the Island on which the property is situated, a written statement of the facts ; who is hereby authorized and required to take legal measures to have the question determined, whether the property seized has been forfeited in accordance with the provisions of this section."

SECTION 2. This act shall take effect and become a law from and after the date of its publication.

Approved this 18th day of August, A. D. 1860.

KAMEHAMEHA.

KAANUMANU.

AN ACT

TO AMEND THE LAW RELATING TO MURDER AND MANSLAUGHTER.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. Murder is the killing of any human being with malice aforethought, without authority, justification or extenuation by law.

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SECTION 2. When the act of killing another is proved, malice aforethought shall be presumed, and the burthen shall rest upon the party who committed the killing to show that it did not exist, or a legal justification or extenuation therefor.

SECTION 3. Whoever is guilty of murder shall be punished by death.

SECTION 4. In every case of sentence to punishment by death, the Court may, in their discretion, order the body of the convict to be dissected, and the Marshal in such case shall deliver the dead body to any surgeon who may wish to have the body for dissection.

SECTION 5. Whoever kills a human being without malice aforethought, and without authority, justification or extenuation by law, is guilty of the offense of manslaughter.

SECTION 6. Manslaughter is of three degrees, and the jury under an indictment for murder or manslaughter may return a verdict of manslaughter in either degree, or of assault and battery, as the facts proved will warrant.

SECTION 7. Whoever is guilty of manslaughter in the first degree shall be punished by imprisonment at hard labor, for a term of years not less than ten, nor more than twenty, in the discretion of the Court.

SECTION 8. Whoever is guilty of manslaughter in the second degree shall be punished by imprisonment at hard labor, not more than ten years or less than five years.

SECTION 9. Whoever is guilty of manslaughter in the third degree shall be punished by imprisonment at hard labor not more than five years, or by a fine not more than one thousand dollars, in the discretion of the Court.

SECTION 10. Whoever, under an indictment for murder, or manslaughter, shall be found guilty of assault and battery, as provided in Section 6 of this Act, shall be punished by imprisonment at hard labor not more then two years, or by a fine not exceeding five hundred dollars, in the discretion of the Court.

SECTION 11. No person shall be adjudged to have killed another unless death ensues within a year and a day from the injury inflicted.

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SECTION 12. Chapter VII of the Penal Code is hereby repealed from and after the passage of this Act: Provided, however, that such repeal shall not affect any offense committed or penalty or forfeiture incurred under said Chapter, but that the same shall remain in full force in respect to the liability of any person to be proceeded against, or against whom proceedings are pending, for any offense committed under said Chapter.

Approved this 30th day of June, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND THE LAW IN RELATION TO MASTER AND SERVANT.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

That Section 1420 of the Civil Code of the Hawaiian Islands shall be amended by adding thereto the following words:

"And in case such person so bound as aforesaid shall have retured to the service of such master in obedience to such order of such justice, and shall again willfully absent himself from such service without the leave of his master, such district or police justice shall be authorized to commit such person to prison there to remain at hard labor for any term not to exceed three months; and at the expiration of such imprisonment, such justice shall order such offender to be restored to his master to serve him for the remainder of such original term of service, and any penal term which may have been added thereto by such justice."

Approved this 5th day of July, 1860.

KAMEHAMEHA.

KAAHUMANU.

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AN ACT

AMENDING AN ACT ENTITLED "AN ACT FOR THE PROTECTION OF KOLEA OR PLOVER, AND OTHER USEFUL BIRDS."

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That the "Act for the protection of Kolea or Plover, and other useful Birds," be and the same is hereby amended, by striking out the word "April," in the third line, Section 1st of the English version, and inserting in place thereof the word "February."

SECTION 2. That the above named Act is further amended by striking out the word "April" in Section 2d, and inserting in its place the word "February."

SECTION 3. Nothing in this Act shall be construed as authorizing the killing, destroying, or ensnaring of any birds already imported, or may hereafter be imported for the purposes set forth in the above mentioned Act.

SECTION 4. This Act shall take effect from and after the date of its passage.

Approved this 28th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND THE LAW IN RELATION TO THE ASSESSMENT AND COLLECTION OF TAXES.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That Section 490 of the Civil Code shall be and is hereby amended, to read as follows, viz :

"The Minister of Finance, with the approval of the King, shall appoint annually, on or before the first day of July, Assessors, as provided in Section 2 of this Act, whose duty it shall be, under the direction of said Minister, to make, on or before the first day of Septem-

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ber, a faithful assessment of all the taxes imposed by law within their respective districts, and to furnish an accurate list of the same, according to blank forms furnished by said Minister, which shall exhibit the names of all persons assessed, and the different items of taxation charged against them.

In case of non-residents, the list shall state the residence of tax payers, if their residence is known, otherwise such residence must be described as unknown.

SECTION 2. Two assessors shall be appointed for the year 1860, and every fifth year thereafter, for each taxation district of the Kingdom; and for each intermediate year, one assessor shall be appointed for each taxation district.

SECTION 3. During the years on which two assessors are appointed for each district, if they cannot agree in their assessment, the school treasurer of the district shall be umpire between them, and his decision, for the purpose of such assessment, shall be conclusive as between them.

SECTION 4. The estimated value of the real property adopted by the two assessors of each district for the year 1860, and every fifth year thereafter, shall be adopted by the one assessor of each district, as the value thereof during each following period of four intermediate years: Provided always, that the said assessors for each district for the intermediate years shall have power to augment or diminish the said estimated value of real property, should improvements be made thereon, or should the value thereof be lessened by fire or other casualty; and further provided, that should the valuation of any real property be diminished by the Tax Appeal Board, on appeal from the decision of the assessors, he shall adopt the valuation decided upon by the said Appeal Board; and further provided he shall have power to correct and amend the assessment roll, so far as may become necessary through the division, or conveyance of property.

SECTION 5. That sections 492, 493, 494 and 495 of the Civil Code shall be, and are hereby amended as follows, viz: Wherever the word "assessors" occurs in said sections, the words "or assessor" shall be inserted immediately thereafter; and wherever the word "their" in relation to the assessors occurs, the words "or his" shall be inserted immediately thereafter, so that the sections as amended

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shall read where the words occur, "assessors or assessor," and "their or his."

SECTION 6. Leasehold interest shall be assessed as personal property, and shall be charged to the owners of the beneficial interest therein.

SECTION 7. All personal property other than leasehold shall be considered to belong to the party in possession of the same.

SECTION 8. No ad valorem property tax shall be assessed against any person where the whole value of his or her property, real and personal, is under $100. Anything in this Act, or in sections 483 and 484 of the Civil Code notwithstanding.

SECTION 9. During the months of September, October and November, the tax collector, upon receiving on deposit, costs or otherwise, as hereinafter provided, shall grant to any person disputing the amount of his or her assessment, a certificate of appeal of the annexed form, to be furnished him in blank, by the Minister of Finance, stating thereon the amount of taxes with which the appellant is assessed in the tax list :

TAX APPEAL.

This is to certify that —— ——, of this district, is assessed for the year —— as follows :

Property Tax. Animal do. Poll, School and Road Tax.	Value Real.	Value Personal.	Amount Tax.

That —— —— disputes ——, and that I have received on deposit the sum of —— dollars, for costs of this appeal.

—— ——, Tax Collector.
—— ——, District.

SECTION 10. Before granting the certificate provided in Section 9th, the tax collecter shall receive from the party appellant, on deposit, the costs of appeal, as follows, viz :

Where the exemption or reduction claimed from the tax list shall amount to $2 00 or under, 50 cents costs ; over $2 00 and under $5 00, 1 dollar costs ; over $5 00 and under $10 00, 2 dollars costs —and so on for every additional five, or part of five dollars tax, one dollar additional costs : Provided always, that the tax collector may gratuitously grant certificates of appeal from personal taxes where the claimant is disabled by sickness or bodily injuries.

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SECTION 11. The tax collector shall return all costs deposited with him in accordance with Section 10 of this Act, to the parties appellant, where they have obtained in their favor the decision of the Board of Appeal hereinafter provided: he shall, however, account for, and pay over to the Governor, for the use of the Royal Exchequer, all costs deposited with him in all cases where the decision of the Board of Appeal is adverse to the parties appellant.

SECTION 12. The tax collector shall delay proceeding against parties to whom he may have granted certificates of appeal until the sixteenth day of December, to enable such parties to have their appeals heard.

SECTION 13. The tax collector shall be empowered to make such deduction from the taxes assessed against parties appealing, as the decision of the Board of Appeal, as hereinafter provided, may direct; and he shall enter in his tax list a memorandum of each decision.

SECTION 14. The Police Magistrate, or District Judge, where there is no Police Magistrate, the Assessor or the senior Assessor, when two assessors are appointed, and one person to be appointed by the Minister of Finance, shall constitute a Board of Appeal for each taxation district of this Kingdom, from the decision of the assessor or assessors of taxes: Provided always, that where the Police Magistrate or District Justice shall have been appointed as assessor of his district, the Minister of Finance shall appoint a substitute to act in his place on the said Board of Appeal.

SECTION 15. This Board shall sit each year on the first Monday of December, at some central point in each district, of which public notice shall be given, and hear, and decide finally such appeals from the tax list as may be certified to by the tax collector, and brought before it. The Board shall have power to compel the attendance of witnesses within the district, and to administer oaths.

SECTION 16. The Police Magistrate, or District Judge, or his deputy appointed by Section 14, shall be Chairman of the Board, and he shall return to the parties appellant, the certificate of appeal, with the decision of the Board thereon endorsed and signed by a majority of the Board.

SECTION 17. The member of the Board appointed by the Minister of Finance, shall receive, out of the public treasury, compensation for

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his services while on the Board, at a rate not exceeding $5 per day for each day's actual attendance, and where a substitute for the Police or District Justice is appointed, as provided in Section 14, the said substitute shall be paid by the said Magistrate or Justice, at the same rate as the paid appointee of the Minister of Finance.

SECTION 18. In any proceedings in any Court of this Kingdom, in relation to the collection of taxes, the tax list shall be prima facie evidence of the correctness of any assessment or enumeration contained therein, and the assessors and tax collectors shall be competent witnesses.

SECTION 19. No suit of replevin shall lie in the name of the party owing the tax to recover property seized for taxes by the tax collector.

SECTION 20. On application for an order of sale by any tax collector to any District Judge or Police Magistrate, as provided in Section 503 of the Civil Code, the duty of the District Judge or Police Magistrate before granting such order, shall be to satisfy himself that the tax claimed is according to the tax list—that it has not been paid, and that the goods seized belong to the party on whom the levy has been made, which latter shall be presumed unless the contrary is shown.

SECTION 21. This Act shall take effect and become the law from and after the date of its publication.

Approved this 30th day of June, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

FOR THE PROTECTION OF PLACES OF SEPULTURE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. If any person, not having any legal right to do so, shall willfully dig up, disinter, remove or convey away any human body from any burial place, or shall knowingly aid in such disinterment, removal or conveying away, every such offender and every person

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accessory thereto, either before or after the fact, shall be punished by imprisonment at hard labor for not more than two years, or by a fine not exceeding one thousand dollars.

SECTION 2. This Law shall take effect from and after the date of its passage.

Approved this 24th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND ARTICLE 2, CHAPTER 7, OF THE CIVIL CODE.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The Minister of the Interior may at any time grant licenses for the term of one year, to not more than two persons resident in Honolulu, and one at Lahaina, to import and sell opium to Chinamen for the term of one year, in the districts of Honolulu and Lahaina, upon receiving the sum of not less than two thousand dollars for each license so granted: Provided that the said licenses shall be exposed at public auction at the upset price of two thousand dollars, and sold to the highest bidder.

SECTION 2. Before receiving such license, the licensee shall give to the Minister of the Interior a bond in the penal sum of one thousand dollars, with sufficient surety or surities to be approved by said Minister, conditioned that he will not sell or furnish opium, or any preparation thereof, to any person except to Chinamen.

SECTION 3. Upon the violation of any conditions of the license granted under this Act, the licensee shall forfeit his license and become liable on his bond for the amount of the penalty.

SECTION 4. Any person, except licensed physicians, who shall import, sell or furnish any opium, or any preparation thereof, without a license as above provided, shall be fined not less than one hundred dollars, nor more than five hundred dollars, or to be imprisoned at hard labor for a term not exceeding six months, in the discretion of the Court.

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SECTION 5. Every license to import and sell opium shall be signed by the Minister of the Interior and impressed with the seal of the Department, and no such license shall be transferable.

SECTION 6. This Act shall take effect and be in force from and after the date of its passage, and Sections 83, 84, 85 and 86 of the Civil Code of this Kingdom are hereby repealed.

Approved this 21st day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AUTHORIZE THE MINISTER OF THE INTERIOR TO GRANT A COASTING LICENSE TO THE STEAMER "KILAUEA," AND TO AMEND THE ACT OF 1859, TO PROMOTE INTER-ISLAND COMMUNICATION.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. The Minister of the Interior is hereby authorized to grant a special coasting license, for a term of six months, to the steamer "Kilauea," now in the port of Honolulu, and belonging to the Hawaiian Steam Navigation Company, subject to the laws affecting coasting vessels (excepting so far as the vessel's register is concerned), and especially reserving to the Hawaiian Government the right of towing and tugging : Provided, that the said Company, on their part, agree and bind themselves in the penal sum of ten thousand dollars, with approved security, to the said Minister, that the said steamer shall run as a coaster among the Hawaiian Islands for the term of two months from the date of said license (shipwreck, fire and the dangers of the seas excepted), that then and thereafter, should the said Company desire to withdraw the said steamer from the coasting business, the Hawaiian Government shall have the privilege of purchasing the said steamer for a sum not to exceed fifty thousand dollars ; and that at the end of the said term of six months, provided the said steamer shall not have been disposed of as above provided, the said Company shall register the same under the Hawaiian flag, or then failing so to do, the Hawaiian Government shall have the privilege of purchasing the same as above provided.

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SECTION 2. That article 7 of the Act of 1859, entitled "An Act to promote inter-island communication," be and the same is hereby amended, by striking out the word "fifteen" from the said article, and inserting in its place the words "twenty-five :" Provided, however, that this amendment shall only take effect on compliance by the Hawaiian Steam Navigation Company with the provisions of section 1st of this Act.

SECTION 3. This Act shall take effect and become a law from and after the date of its passage.

Approved this 18th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AUTHORIZE THE MINISTER OF THE INTERIOR TO TAKE POSSESSION OF WHATEVER LAND AND WATER MAY BE REQUIRED FOR THE USE OF THE HONOLULU WATER WORKS.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. The Minister of the Interior is hereby authorized and empowered, in accordance with the provisions of this Act, to enter upon and take possession of, and hold for the use of the Government, such land and water, real estate and property, as may be required for the use and maintenance of the Honolulu Water Works, for laying down pipes, building dams, reservoirs and tanks, on and through the lands extending from the reservoir on the land of Kahookane, in the district of Honolulu, along the said land of Kahookane and up the ravine of the Nuuanu Valley stream to the spring called "Kapena," and also extending from the said old reservoir, in a nearly direct line to the spring called "Kunawai."

SECTION 2. The Minister of the Interior shall appoint three competent and disinterested parties, who shall be sworn before entering upon the duties of their office, and any one of them shall have power to administer oaths, to act as commissioner to ascertain and determine upon the compensation to be made to the owner or owners, person or

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persons interested, for the taking or injuriously affecting such land and water, real property, as may be required for the said works.

SECTION 3. The said Commissioners shall, by printed or written notice, notify the owners and others interested in the land and water, real property, proposed to be taken or injuriously affected, to meet them, within thirty days thereafter, at some convenient place, and lodge their claims for compensation; thereafter the Commissioners shall proceed with dispatch to take what testimony may by them be deemed necessary, and after having viewed the premises, the said Commissioners, or a majority of them, shall determine upon the compensation proper to be made to each of the parties claimant and interested.

SECTION 4. The said Commissioners, or a majority of them, shall make, subscribe and file with the Minister of the Interior, within such reasonable time after their appointment, as may be fixed upon by the said Minister, a certificate of their finding and appraisement; in which the land and water, real estate and property so valued, and to be taken, shall be described by map, diagram, or otherwise, with convenient accuracy and certainty.

SECTION 5. Upon the filing of the certificate, as provided in the preceding section, the Minister of the Interior is hereby authorized to pay to the persons named in said certificate, the several amounts determined upon by the said Commissioners, out of the appropriation for the Honolulu Water Works, and to take possession of and occupy all land and water, real estate and property, described in the said certificate, and to hold and use the same for the benefit of the Honolulu Water Works: Provided always, that either party feeling aggrieved by the decision of the Commissioners, may appeal to the Supreme Court of the Hawaiian Islands at the first regular term thereafter, on giving security for costs as provided in civil cases, and further provided, that such appeal shall not prevent the Minister of the Interior from proceeding with the works, or retaining or taking possession of all land and water property mentioned and valued in the said certificate of the Commissioners.

SECTION 6. The Minister of the Interior, upon payment being made or tendered to all the parties entitled to payment under the certificate of the Commissioners, shall cause to be entered on the records of his office said certificate, and a certified copy of the same shall be

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recorded in the office of the Registrar of Conveyances, with the like effect as if it was a deed of conveyance, in fee simple from the said owners and parties interested, to the Hawaiian Government.

SECTION 7. The Minister of the Interior shall, on receiving the certificate of appraisement, pay to the Commissioners such reasonable compensation as he may determine upon, and he shall have power to fill any vacancy in their number from death or other cause.

SECTION 8. This Act shall take effect from and after the date of its passage.

Approved this 18th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

IN AID OF THE QUEEN'S HOSPITAL CORPORATION.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. Whenever the corporation known as the "Queen's Hospital," shall acquire funds or the evidence thereof, in money and property to the extent of five thousand dollars, and shall exhibit to the Minister of the Interior satisfactory proof of the same, the said Minister with the consent of the King, may convey to said corporation any quantity of Fort or other Government lands and lots, or the proceeds of any such lands or lots, at his discretion, equivalent in value to said sum, to be used or held as may be deemed advisable for the proper uses and purposes of said corporation.

SECTION 2. That so much of the Act of 1859 entitled An Act to provide hospitals for the relief of Hawaiians in the city of Honolulu and other localities, as refer to the city of Honolulu, shall be and the same is hereby repealed.

SECTION 3. This Act shall take effect from and after the day of its passage.

Approved this 5th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

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AN ACT

FOR THE RELIEF OF CERTAIN KONOHIKIS, WHOSE NAMES APPEAR IN THE DIVISION OF LANDS FROM KAMEHAMEHA III.

WHEREAS, certain Konohikis who were entitled to lands under the division of 1848, have for various causes failed to obtain their awards from the Land Commission within the time specified by law, and for that reason are destitute: Therefore,

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The Minister of the Interior is hereby authorized to grant awards for their lands to all konohikis who have failed to receive the same from the Land Commission: Provided that the names of such konohikis appear in the Mahele Book of the year 1848; and all awards so granted by said Minister shall be equally valid with those of the Land Commission.

SECTION 2. The said Minister may appoint two deputies, his first and second clerks, to hear and decide upon all applications by such konohikis. Said deputies shall keep a book for record, in like manner as the Land Commission, and all fees as mentioned in section 4, shall be paid over for the benefit of the Royal Exchequer. The Minister of the Interior shall be responsible for all the official acts of his said deputies.

SECTION 3. The said Minister, or his deputies, shall cause a notice to be published continually, either in the native newspaper or in the *Polynesian*, calling upon all konohikis, their heirs, executors and administrators, to present their claims on or before the last day of June, 1862; and if any such person shall fail to present their claim within said specified time, he shall be forever barred, and his right under the Mahele Book shall revert to the Government.

SECTION 4. Said awards so granted shall be in the nature of titles less than allodial, subject to commutation for the Government right therein, as is the case with lands in Honolulu, Lahaina and Hilo, and may be described by survey, or by the natural boundaries, in accordance with the provisions of section 1 of "An Act relating to land titles of Konohikis," approved on the 19th day of June, 1852; the parties receiving such awards shall pay all expenses of the hearing, publication and decision thereof.

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SECTION 5. This Act shall not be construed to conflict with any award of the Commission to quiet land titles, granted by actual survey of the boundaries.

SECTION 6. This Act shall take effect from and after the date of its passage, and all laws and parts of laws in contravention thereof are hereby repealed.

Approved this 24th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

DEFINING THE LIABILITY OF LICENSED RETAILERS OF INTOXICATING DRINKS OR SUBSTANCES, FOR OFFENSES COMMITTED ON THEIR PREMISES.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. In case an offense against the provisions of chapter 42 of the Penal Code, prohibiting the sale of intoxicating drinks or substances, shall be committed by any person on the premises used or occupied by a person licensed to sell intoxicating drinks or substances by the Minister of the Interior, or in which he has any interest as lessee or otherwise, provided the same is adjoining the premises used or occupied by him, the person so licensed shall be presumed to be knowing and sanctioning such offense and be responsible for the same, and liable to the same penalties, as though it was committed by him in person, unless he establishes, to the satisfaction of the court or jury before which he is charged and being tried, that the offense was committed without his knowledge or assent, and that he has not and is not knowingly to receive any pecuniary profit or benefit in consequence thereof.

SECTION 2. Every second and succeeding offense, such as described in Section 1 of this Act, shall be punished by a fine not less than three hundred or more than one thousand dollars, and in every case which the court shall deem to be attended with circumstances of special aggravation, it shall be discretionary with the court to further

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sentence the party or parties offending to imprisonment with hard labor for any term not to exceed one year.

SECTION 3. In all cases where the licensed retailer of intoxicating drinks or substances is prosecuted for any offense against the provisions of chapter 42 of the Penal Code, no other person shall be liable to prosecution for the same offense, but may be compelled to give testimony in relation thereto, by the court before which the same may be tried.

Approved this 28th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO FACILITATE THE ARREST OF CRIMINALS.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The Circuit Judges shall have power to countersign the warrant of any District Justice within their respective circuits, for the apprehension of any offender who may have fled beyond the limits of the district where the warrant may have been issued, and such warrant so countersigned may be served anywhere within the judicial circuit where the same may have been issued.

SECTION 2. The District Justices shall in like manner be empowered to countersign the warrant of arrest for any offender, which may have been issued by any other District Justice within the same judicial circuits, provided said offenders be found within the district of the Judge so countersigning said warrant.

SECTION 3. This act shall take effect from and after the date of its publication.

Approved this 28th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

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AN ACT

TO EXTEND THE JURISDICTION OF POLICE AND DISTRICT JUSTICES.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the several Police and District Justices throughout the Kingdom, shall have jurisdiction to hear and determine, subject to appeal, all complaints for any violation of the license laws, without limit in respect to the amount of penalty to be imposed for such violations.

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 28th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO EXTEND THE CIVIL JURISDICTION OF THE DISTRICT JUSTICE OF NORTH HILO.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The District Justice of North Hilo is hereby authorized to exercise all such jurisdiction in civil cases, as is by law conferred on the Police Justice at Hilo, to be exercised within such territorial limits as shall from time to time be prescribed by the Governor of Hawaii: provided, however, that this Act shall not be construed as permitting said Justice to arrest and imprison in civil cases.

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 13th day of July, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU

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AN ACT

TO PREVENT MARRIED PERSONS FROM DESERTING ONE ANOTHER.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. Upon the sworn complaint before any Judge of a court of record or Police Justice, by any party, that his wife has, without cause, forsaken his bed and board, and refused and still refuses to cohabit with him; or that her husband has, without cause, deserted her, and neglects to maintain, provide for and support her, as in Section 1286 Civil Code provided, such Justice may issue a warrant to apprehend and bring before him the party so complained of.

SECTION 2. Said Justice shall examine into, hear and determine the complaint, and shall secure, if practicable, a reconciliation between the parties; if they become reconciled to each other no penalty shall be imposed.

SECTION 3. But if the offending party refuse to return and perform the duties of the marriage contract, he or she may be punished by imprisonment at hard labor for a term not exceeding one month, in the discretion of the Judge.

SECTION 4. In any suit brought for desertion, it shall be permitted the defendant to prove in self-justification the ill conduct of the complainant, and on establishing such defense to the satisfaction of the Court, the suit may be dismissed, the Judge awarding the costs as in civil cases, and execution may be issued therefor.

SECTION 5. This Act shall take effect from and after the date of its publication.

Approved this 25th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

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AN ACT

TO REGULATE NAMES.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. All married women now living, and all that may be married hereafter on these Islands, shall, from and after the passage of this Act, adopt the names of their husbands as a family name.

SECTION 2. All children born in wedlock after the passage of this Act shall have their father's name as a family name. They shall, besides, have a Christian name suitable to their sex.

SECTION 3. All illegitimate children born after the passage of this Act shall have their mother's name as a family name. They shall, besides, have a Christian name suitable to their sex.

SECTION 4. All children up to the age of twenty years shall adopt the names of their fathers as a family name.

SECTION 5. All names so adopted shall be reported to the agents appointed to take the census of the people during the present year.

SECTION 6. It shall not be lawful to change any name adopted or conferred under this law. It shall also not be lawful to change any name adopted or conferred before the operation of this law.

SECTION 7. The father or mother of any children born subsequently to the passage of this Act, shall report the name or names of such child to the Registrar of Births for the district in which such child was born, within three months after the birth of such child.

SECTION 8. This law shall take effect, and be the law of the land, from and after the date of its passage.

Approved this 24th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

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AN ACT

TO MITIGATE THE EVILS AND DISEASES ARISING FROM PROSTITUTION.

WHEREAS, The evils and diseases arising from prostitution are wide spread and apparent, carrying death to thousands of the Hawaiian race, and preventing the increase of the population; and it being impossible to suppress and crush out prostitution; but that its evils and diseases may be combated, circumscribed and diminished, *Therefore*,

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. Every common prostitute in and around the city of Honolulu shall register with the Sheriff of the Island of Oahu her name, place of residence, place of birth and age.

SECTION 2. All females known to be common prostitutes, who shall fail to cause themselves to be registered according to Section 1st, shall, on complaint and conviction before the Police Magistrate of Honolulu, be imprisoned for not less than thirty nor more than sixty days, and be subject to the rules of such place of confinement.

SECTION 3. Such females, registered as above, shall attend and be examined by a physician to be appointed by the Minister of the Interior, at least once in every two weeks, at some convenient place, of which public notice shall be given, and if found diseased, such females shall be treated free of charge for such disease, subject to such regulations and restriction as may be prescribed by the said physician.

SECTION 4. Any female registered as above who shall not attend for examination as above provided, or who shall not obey the prescriptions of the physician, upon information thereof to the Sheriff such female may be summarily imprisoned for not less than thirty nor more than sixty days: Provided, that nothing herein contained shall imply that any female free from disease, so registered, may not at any time forsake prostitution, have her name erased from the registry, and no longer remain under the provisions of this Section.

SECTION 5. The physician appointed as above shall be paid such reasonable compensation as may be determined upon by the Minister

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of the Interior, out of the funds appropriated from time to time by the Legislature to be expended under this Act.

SECTION 6. The Sheriff of Oahu shall be charged with the execution of this law, and shall further be empowered to establish such police regulations for the better carrying into effect the object contemplated by this law, as he may deem requisite, subject to the approval of the Minister of the Interior ; and it shall be his duty to render a quarterly report of all matters connected with the execution of this law to the Minister of the Interior, and biennially through the said Minister to the Legislature.

SECTION 7. This Act shall take effect and become a law from and after the date of its publication.

Approved this 24th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

That the sum of Eight Thousand Dollars ($8,000) be, and the same is hereby appropriated out of the public moneys, for the purpose of defraying the necessary expenses of the Legislature of A. D. 1860.

Approved this 15th day of June, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled* :

That the Minister of Finance is hereby authorized to pay to I. Bartlett, Deputy Collector of Customs for Honolulu, the sum of three hun-

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dred and thirty-three dollars 33-100, being amount due him for back pay up to the 31st day of March, 1860.

Approved this 28th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

That the Minister of Finance is hereby authorized to pay to the draft of the Minister of the Interior the sum of one thousand dollars, to be expended during the biennial period ending 31st March, 1862, on the Lahaina breakwater.

Approved this 28th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

JOINT RESOLUTION.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

The Minister of Finance is hereby authorized to pay to the Minister of the Interior the sum of four thousand dollars, to be expended during the biennial period ending 31st March, 1862, under the "Act to mitigate the evils and diseases arising from prostitution."

Approved this 24th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

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APPROPRIATION BILL FOR 1860 AND 1861.

BE IT ENACTED, *By the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That the sum of Seven Hundred and Thirty-five Thousand Four Hundred and Eighty-two Dollars and Forty Cents ($735,-482 40) be, and the same is hereby appropriated out of the revenue of the two years, viz: 1860 and 1861, and out of any other moneys now in, or that may be received into the Treasury prior to the 31st day of March, 1862, for the necessary expenses of the several Departments of the Government, and for such public works, and the payment of such claims as are hereinafter designated, viz: For the

CIVIL LIST.

For His Majesty's Privy Purse, Royal State and pay of Physicians,		$32,000 00
For His Royal Highness the Prince of Hawaii,		2,000 00
" " " " L. Kamehameha,		8,000 00
For her Majesty the Queen,		4,000 00
For his Majesty's Secretary,		2,000 00
For Secretary of the Privy Council for the three months ending 30th June, 1860,	$125	
For Secretary of the Privy Council to be paid from this amount at the rate of $5 for each meeting,	875	1,000 00
For incidentals of Privy Council,		100 00
For Hon. L. Andrews for compiling a Dictionary of the Hawaiian and English, and English and Hawaiian languages,		1,000 00
Towards defraying the expenses of H. R. H. Prince Kamehameha in making a tour for the benefit of his health,		2,000 00
		$52,100 00

INTERIOR DEPARTMENT.

For Chief Clerk,	$5,000 00
For 2d "	3,000 00
For 3d "	1,600 00
For Messenger and Watchman,	832 00
For Surveying,	1,200 00
For Governor of Oahu,	5,000 00
" " Maui,	3,000 00
" " Kauai,	2,000 00
For Governess of Hawaii,	2,000 00
For Clerk Governor Oahu,	800 00
" " Maui,	800 00
" " Kauai, from Sept. 3, 1859, to March 31st, 1860,	287 67
For Clerk Governor Kauai,	1,000 00
For Clerk Governess Hawaii,	2,400 00

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For Fire Department, Honolulu,	3,660 00
For Marshal,	7,000 00
For Sheriff of Oahu,	6,000 00
" Maui,	4,000 00
" Hawaii,	3,000 00
" Kauai,	2,000 00

Provided that the said Marshals and Sheriffs shall be entitled to mileage for travel in civil cases, the same to be taxed by the Court, and collected as costs from the parties in whose behalf such duties are rendered.

For support of Prisoners,	8,000 00
For Jailor, Oahu Prison,	3,000 00
For Police, Oahu,	30,000 00
" Maui,	9,000 00
" Hawaii,	4,000 00
" Kauai,	2,800 00
For Clerk Honolulu Market,	2,000 00
For Postmaster, Honolulu,	5,000 00
For Postmaster's Clerk,	2,000 00
For stationery Police and District Courts, and newspapers containing the laws published by authority,	1,000 00
For stationery and incidentals for Department,	1,000 00
For Mail Carriers, Kauai,	300 00
" " Oahu,	416 00
" " Maui,	600 00
" " Hawaii,	1,500 00
For purchase of Vaccine Matter and pay Vaccinators in the discretion of the Minister of the Interior,	2,000 00
For expenses of Coroners' Inquests,	500 00
For expenses of Health Commission and the removal of Nuisances,	600 00
	$128,235 67

GOVERNMENT PRESS.

For Director,	$4,000 00
For Printers' Wages,	13,000 00
For Printing Materials,	4,800 00
For Reporters,	800 00
For Incidentals,	600 00
	$23,200 00

All receipts of this Department to be paid quarterly into the Treasury, Section 417 of the Civil Code notwithstanding.

DEPARTMENT OF FOREIGN AFFAIRS.

For Minister,	$8,000 00
For Clerk,	5,000 00
For King's Charge in London,	1,600 00
For office expenses of King's Foreign Agents,	1,600 00

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For Postage and Stationery,	1,000 00
For Translations,	1,000 00
	$18,200 00

DEPARTMENT OF FINANCE.

For Minister,	$8,000 00
For Registrar of Public Accounts,	5,000 00
For Collector General of Customs,	6,000 00
For Deputy,	5,000 00
For Clerk of Collector General of Customs,	2,400 00
For Surveyor and Guard, Honolulu,	2,400 00
For Pay for the first quarter of the current fiscal period for Custom House Guards at other ports at the rate specified in the Appropriation Bill of 1858-9,	652 25
For 2d Surveyor and Guard and Assistants, Honolulu,	3,400 00
For Storekeeper,	2,400 00
For Assistant do.,	1,200 00
For Collector and Harbor Master, Lahaina,	4,000 00
For Surveyor and Guard, Lahaina,	1,500 00
For Collector of Customs, Hilo, for 1 year and 9 months,	875 00
For " " Kawaihae, "	525 00
For " " Kealakekua, " "	525 00
For " " Koloa, " "	525 00
For pay of Collectors at ports not ports of entry, at the discretion of the Collector General with the approval of the Minister of Finance,	1,000 00
For Iron Safe and Custom House furniture, Honolulu,	500 00
For Stationery and incidentals for Custom House,	2,000 00
For Assessors' Pay,	18,000 00
For Tax Collectors' Pay,	14,000 00
For Lights, Lahaina,	500 00
For Stationery for Assessors and Tax Collectors,	500 00
For " and incidentals for Department,	750 00
	$81,652 25

DEPARTMENT OF WAR.

For the support of the Military, including the Ledger balance of $4,528 15 due to this Department, and pay for a Military Instructor,	$46,528 15

DEPARTMENT OF PUBLIC INSTRUCTION.

For President of the Board of Education,	$7,000 00
For Clerk " " " including pay of the editor of the "Hae Hawaii,"	5,000 00
For Stationery and incidentals,	600 00
For support of Lahainaluna Seminary,	8,000 00
For Printing School Books,	1,000 00
For Boarding School at Hilo, at the discretion of the Board of Education with the approval of his Majesty's Government,	3,000 00

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For support of English schools including amount due Miss M. Parker, $122,	5,000 00
For support of Select Schools for Hawaiian girls, as follows, viz:	
For the Island of Oahu,	2,000 00
" " Maui,	1,000 00
" " Hawaii,	1,000 00
" " Kauai,	1,000 00
For School at Ahuimanu,	800 00
For taking Census of 1860,	2,000 00
	$37,400 00

DEPARTMENT OF LAW.

For Chief Justice Supreme Court,	$10,000 00
For 1st Associate Justice Supreme Court,	8,000 00
For 2d " " "	4,000 00
For Circuit Judge, Honolulu, Oahu,	1,600 00
For " Koolau, "	1,600 00
For " Maui,	3,000 00
For " Hilo, Hawaii,	1,600 00
For " Kohala, "	1,600 00
For " Kona, "	1,600 00
For " Kauai, "	3,000 00
For Police Justice, Honolulu,	4,000 00
For " " Lahaina,	2,400 00
For " " Hilo,	2,000 00
For pay of Interpreter and Clerk of Police Court, Honolulu,	1,400 00
For District Judge, North Hilo, H.,	500 00
For " " Puna,	600 00
For " " Kau,	600 00
For " " South Kona,	600 00
For " " North Kona,	600 00
For " " South Kohala,	700 00
For " " North Kohala,	600 00
For " " Hamakua,	600 00
For " " Wailuku, Maui,	700 00
For " " Hamakua, "	800 00
For " " Hana, "	600 00
For " " Kaupo, "	600 00
For " " Molokai,	800 00
For " " Lanai,	500 00
For District Judge, Honolulu, Oahu, from April 1st to June 30, 1860, $300, and from July 1, '60, to March 31, '62, one year and nine months, $500 per year, $875,	1,175 00
For District Judge, Ewa, Oahu,	600 00
For " " Waialua, Oahu,	600 00
For " " Koolaupoko, Oahu,	600 00
For " " Waimea, Kauai,	500 00

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For District Judge, Hanalei, " - - - - -	500 00
For " " Anahola, " - - - - -	500 00
For " " Lihue, " - - - - -	500 00
For " " Koloa, " - - - - -	600 00
For " " Niihau, - - - - - -	300 00
For Clerk Supreme and Circuit Court, 1st District, - - -	4,500 00
For Assistant " " " " - - -	2,400 00
For Clerk Circuit Court, 2d District, - - - - -	500 00
For 1st " " 3d " - - - - -	500 00
For 2d " " 3d " - - - - -	300 00
For Clerk " 4th " - - - - -	500 00
For District Attorney, Oahu, - - - - - -	4,000 00
For " " Maui, - - - - - -	3,000 00
For " " Hawaii, - - - - -	2,400 00
For " " Kauai, - - - - - -	1,000 00
For expenses Supreme Court, including expenses of witnesses in criminal cases when deemed necessary, to be drawn for by the Clerk of said Court,	4,000 00
For expenses of Circuit Court, 2d District, - - - -	2,000 00
For " " " 3d " - - - -	1,200 00
For " " " 4th " - - - -	550 00
All such expenses to be drawn for by the presiding judge.	
For stationery Supreme and Circuit Courts, to be drawn for by the Clerk of the Supreme Court, - - - - - -	600 00
For purchase of Law Library, - - - - -	500 00
	$88,425 00

BUREAU OF PUBLIC IMPROVEMENTS.

For Superintendent, - - - - - -	$5,000 00
For Superintendent's Clerk, - - - - - -	500 00
For pay of Road Supervisors, - - - - -	8,000 00
For purchase of Stock, - - - - - -	3,000 00
For purchase of Road Tools, - - - - - -	1,000 00
For incidental expenses of Bureau, - - - - -	500 00
For repairs Government Buildings, - - - - -	6,000 00
For harbor, wharves and buoys, Honolulu, - - - -	4,000 00
For Water Works, Honolulu, - - - - -	25,000 00
For furnishing Lahaina Court and Custom House, - - -	800 00
For Shutters, Oahu Prison, - - - - - -	300 00
For Dredging Honolulu harbor, - - - - - -	10,000 00
For Steamer Pele, - - - - - - -	14,000 00
For balance due new Custom House, Honolulu, - - -	2,441 51
For addition to new Custom House, " - - -	3,500 00
For Road damages, - - - - - - -	800 00
For Lockup, Makawao, Maui, - - - - -	900 00
For " Waimea, Hawaii, - - - - - -	200 00
For " Nawiliwili, Kauai, - - - - -	1,000 00

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For Lockup, Hilo, Hawaii,		1,200 00
For Nuuanu Bridge,		4,000 00
For Kipapa Gulch, Oahu,		500 00
For fire proof Depository and fire proof Safes for Government Records in Honolulu,		3,000 00
For Road, Hilo to Waimea, Hawaii,		3,000 00
For Bridges, Oahu,		2,000 00
For " Hawaii,		3,000 00
For " Wailuku, Maui,	$600	
For " others on Maui,	1,900	2,500 00
For " Kauai,		800 00
For Market House, Honolulu,		700 00
For Road from Haena to Punaewa, Puna, Hawaii,		500 00
For " Manuka to Kahuku, Kau,		1,000 00
For " Lahaina to Kaanapali, Maui,		100 00
For " " Oluwalu,		100 00
For " Hilo to the volcano, the Road Supervisors of Hilo and Kau to expend this,		500 00
For Road from Manuka to Kukuiopae, South Kona,		500 00
		$110,841 51

MISCELLANEOUS EXPENDITURES.

For rent of Wharf Lot,		$2,000 00
For rent of Pelly's premises,		2,161 46
For Mrs. Richards' annuity, payable on the 1st of October, yearly,		1,600 00
For Hon. L. Andrews' annuity, monthly,		2,000 00
For Legislature, 1860, including amount appropriated by Joint Resolution of 1860,		12,000 00
For interest on Queen Dowager's notes,		4,080 00
For equitable claim of District Attorney, Hawaii,		150 00
For Hospital fund, estimated receipts,	$3,000 00	
For amount now due,	1,083 34	4,083 34
For Water Fund, estimated receipts,	$16,000 00	
For " amount due, April 1, 1860,	653 22	16,653 22
For aid in support of Queen's Hospital,		4,000 00
For certificates of deposit outstanding, April 1, 1860,		58 75
For Exchequer Bills outstanding		70,400 00
For interest on " "		16,887 00
For interest on School Fund,		3,054 00
For Royal Hawaiian Agricultural Society,		500 00
For National Agricultural Society, to be expended under the direction of the President for experimenting on the practicability of cotton growing as a source of national wealth,		500 00
For printing index Land Commission books,		800 00
For copying records of Privy Council,		1,000 00
For printing Session Laws and reprinting Penal Code and Constitution,		1,500 00
For Nohoua's claim for back pay, due him for the year 1851,		63 87

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For medicines for gratuitous distribution by the Board of Health, -	300 00
For claim of Dr. Smith, Vaccinator for the Island of Kauai for the years 1858 and 1859, provided that Dr. Smith shall render a satisfactory account of his services as Vaccinator for the said term to the Minister of the Interior, he shall be paid not to exceed this appropriation at the same rate as the Vaccinators on the other islands have been paid during said term, - - - - - - - - - -	366 67
For rewards for the apprehension of criminals and fugitives from justice, to be expended at the discretion of his Majesty's Government, -	4,000 00
	$148,158 81

BALANCES OF APPROPRIATIONS FOR 1858 AND 1859 DUE AND UNPAID APRIL 1st, 1860.

For Governor of Maui, balance of salary, - - - - -	$125 00
For pay of Assessors, - - - - - -	116 74
For Circuit Judge, Maui, - - - - - -	25 00
For " Kohala, Hawaii, - - - - -	100 11
For " Kona, " - - - - -	31 12
For District Attorney, " - - - - -	200 00
For " Justice, North Hilo, Hawaii, - - - -	62 50
For " " Kau, " - - - - -	75 00
For " " North Kona, " - - - - -	75 00
For " " South Kohala, " - - - - -	87 50
For " " Hamakua, " - - - - -	75 00
For " " Waimea, Kauai, - - - - -	62 50
For " " Anahola, - - - - - -	50 00
For " " Hanalei, - - - - - -	62 50
For pay of Road Supervisors, - - - - - -	93 54
	$1,241 51

SECTION 2. The Minister of Finance shall credit to the appropriation of 1858 and 1859 all amounts appropriated by the Act approved May 4th, 1859, and remaining unexpended on the 31st of March, 1860, and not enumerated in Section 1st of this Act, under the title of "Balances of Appropriations for 1858 and 1859," and such amounts shall be deemed no longer available for the objects for which they were originally appropriated.

SECTION 3. The Minister of Finance shall continue to pay the salaries provided in this Act, the pay of soldiers and constables, the expenses of the Fire Department, and of the Supreme and Circuit Courts, and the Expenditures for the Bureau of Public Improvements at the same rates as are herein provided, and Exchequer Bills and interest thereon, together with the interest on the School Fund, until

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the 30th June, 1862, unless a new general Appropriation Bill shall have been passed previous to that date.

SECTION 4. It shall not be lawful for the Minister of Finance to cause, or allow to be paid out of the Treasury, any moneys for any other objects than are provided for in this law, until the passage of a new Appropriation Bill; provided, however, that the ledger balances due by the Treasury, amounting to $1,087 11, together with all sums that may be temporarily deposited in the Treasury by virtue of law may be paid by the Minister of Finance when due at any time, without special appropriation for that object; and provided further that, in event of pestilence, war, invasion or rebellion, or of immediate danger thereof, His Majesty and Privy Council may appropriate such amounts as may be necessary to meet the emergency, and the Minister of Finance shall render to the next Legislature a detailed account of all moneys expended under this provision.

SECTION 5. It shall be lawful for the heads of Departments in any case in which any special appropriation may fall short, to apply to it so much of the surplus there may be on any other special appropriation for that Department as may be deemed necessary to make up the deficiency, each head of Department duly accounting to the ensuing Legislature for all such transfers: Provided, however, that this provision shall not authorize the Minister of the Interior to use the appropriations for the internal improvements of any gubernatorial district out of that district.

SECTION 6. This Act shall take effect and become law from and after the date of its passage.

Approved this 25th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

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CONSTITUTION

GRANTED BY HIS

MAJESTY KAMEHAMEHA III,

KING OF THE HAWAIIAN ISLANDS,

BY AND WITH THE ADVICE AND CONSENT OF THE

NOBLES

AND

REPRESENTATIVES OF THE PEOPLE,

IN LEGISLATIVE COUNCIL ASSEMBLED,

JUNE 14, 1852.

HONOLULU:
REPRINTED BY ORDER OF THE GOVERNMENT.
1860.

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CONSTITUTION

GRANTED BY HIS MAJESTY KAMEHAMEHA III., KING OF THE HAWAIIAN ISLANDS, BY AND WITH THE ADVICE AND CONSENT OF THE NOBLES AND REPRESENTATIVES OF THE PEOPLE IN LEGISLATIVE COUNCIL ASSEMBLED, JUNE 14TH, 1852.

DECLARATION OF RIGHTS.

ART. 1. God hath created all men free and equal, and endowed them with certain inalienable rights; among which are life, and liberty, the right of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

ART. 2. All men are free to worship God according to the dictates of their own consciences; but this sacred privilege hereby secured, shall not be so construed as to justify acts of licentiousness or practices inconsistent with the peace or safety of the Kingdom.

ART. 3. All men may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press.

ART. 4. All men shall have the right, in an orderly and peaceable manner to assemble, without arms, to consult upon the common good; give instructions to their Representatives; and to petition the King or the Legislature for a redress of grievances.

ART. 5. The privilege of the writ of Habeas Corpus belongs to all men, and shall not be suspended, unless by the King, when, in

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cases of rebellion or invasion, the public safety shall require its suspension.

ART. 6. The right of trial by jury, in all cases in which it has been heretofore used in this Kingdom, shall remain inviolate forever.

ART. 7. No person shall be subject to punishment for any offence, except on due and legal conviction thereof, in a court having jurisdiction of the case.

ART. 8. No person shall be held to answer for any crime or offence (except in cases of impeachment, or for offences within the jurisdiction of a police or district justice, or in summary proceedings for contempt,) unless upon indictment, fully and plainly describing such crime or offence; and in the trial of any person on the charge of any crime or offence, he shall have the right to meet the witnesses who are produced against him, face to face; to produce witnesses and proofs in his own favor; and by himself, or his counsel, at his election, to examine the witnesses produced by himself, and cross-examine those produced against him; and to be fully heard in his defence.

ART. 9. No person shall be required to answer again for an offence, for which he has once been duly convicted, or of which he has been duly acquitted upon a good and sufficient indictment.

ART. 10. No person shall be compelled, in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law.

ART. 11. No person shall sit as judge or juror, in any case in which his relative is interested, either as plaintiff, or defendant, or in the issue of which the said judge or juror may have, either directly or through a relative, any pecuniary interest.

ART. 12. Slavery shall, under no circumstances whatever, be tolerated in the Hawaiian Islands; whenever a slave shall enter Hawaiian territory he shall be free; no person who imports a slave, or slaves, into the King's dominions, shall ever enjoy any civil or political rights in this realm; but involuntary servitude for the punishment of crime is allowable according to law.

ART. 13 Every person has the right to be secure from all unreasonable searches and seizures of his person, his houses, his papers,

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and effects ; and no warrants shall issue, but on probable cause, supported by oath or affirmation, and describing the place to be searched, and the persons or things to be seized.

ART. 14. The King conducts His Government for the common good ; for the protection, safety, prosperity and happiness of His people ; and not for the profit, honor, or private interest of any one man, family or class of men among His subjects. Therefore in making laws for the nation, regard shall be had to the protection, interests and welfare not only of the King, the Chiefs, and Rulers, but of all the people alike.

ART. 15. Each member of society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his proportional share to the expense of this protection ; to give his personal services, or an equivalent, when necessary ; but no part of the property of any individual can, with justice, be taken from him or applied to public uses without his own consent, or that of the King, the Nobles, and the Representatives of the people. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

ART. 16. No subsidy, impost, duties or tax of any description, shall be established or levied, nor any money drawn from the public treasury under any pretext whatsoever, without the consent of both branches of the legislature ; provided that the legislature shall make provision, in the annual bills of appropriation, for the emergency of war, invasion, or rebellion ; and the Minister of Finance shall render a detailed account to the Legislature of any expenditure made under that provision.

ART. 17. All retrospective laws are unjust ; therefore, no such laws shall ever be passed.

ART. 18. The Military shall always be subject to the laws of the land ; and no soldier shall, in time of peace, be quartered in any house, without the consent of the owner ; nor in time of war, but in a manner to be prescribed by the Legislature.

ART. 19. All elections by the people shall be by ballot.

ART. 20. Every elector shall be privileged from arrest on election days, during his attendance at election, and in going to and returning therefrom, except in cases of treason, felony, or breach of the peace.

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ART. 21. No elector shall be so obliged to perform military duty, on the day of election, as to prevent his voting, except in time of war or public danger.

FORM OF GOVERNMENT.

ART. 22. The Government of the Kingdom, is that of Constitutional Monarchy, under His Majesty KAMEHAMEHA III, His Heirs, and successors.

OF POWERS.

ART. 23. The Supreme Power of the Kingdom, in its exercise, is divided into the Executive, Legislative and Judicial ; these are to be preserved distinct ; the two last powers cannot be united in any one individual or body.

OF THE EXECUTIVE POWER.

SECTION 1.—THE KING.—HIS PREROGATIVES.

ART. 24. The King shall continue to be the Supreme Executive Magistrate of this Kingdom under the title of His Majesty.

ART. 25. The crown is hereby permanently confirmed to His Majesty Kamehameha III. during his life, and to his successors. The successor shall be the person whom the King and the House of Nobles shall appoint and publicly proclaim as such, during the King's life ; but should there be no such appointment and proclamation, then the successor shall be chosen by the House of Nobles and the House of Representatives in joint ballot.

ART. 26. No person shall ever sit upon the throne who has been convicted of any infamous crime, or who is insane or an idiot. No person shall ever succeed to the crown, unless he be a descendant of the aboriginal stock of Aliis.

ART. 27. The King is the Commander-in-Chief of the Army and Navy, and of all other Military forces of the Kingdom by sea and land ; and has full power by himself, or by any officer or officers, he may appoint, to train and govern such forces, as he may judge best

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for the defense and safety of the Kingdom. But he shall never proclaim war without the consent of His Privy Council.

ART. 28. The King, by and with the advice of his Privy Council, has the power to grant reprieves and pardons, after conviction, for all offenses, except in cases of impeachment.

ART. 29. The King, by and with the advice of His Privy Council, convenes both Houses of the Legislature at the seat of Government, or at a different place, if that should become dangerous, from an enemy, or any dangerous disorder; and in case of disagreement between the two Houses, or between His Majesty and them, He adjourns, prorogues, or dissolves them, but not beyond the session of the next year: under any great emergency, He may convene both, or either of them to extraordinary sessions.

ART. 30. The King has the power, by and with the advice of His Privy Council, to make treaties, and appoint Ambassadors, other public Ministers and Consuls who shall be commissioned, accredited and instructed agreeably to the usage and laws of nations.

ART. 31. It is His prerogative to receive and acknowledge ambassadors and other public ministers; to inform the Legislature by Royal Message, from time to time, of the state of the Kingdom, and to recommend to their consideration such measures as he shall judge necessary and expedient.

ART. 32. He has the power, by and with the advice of His Cabinet, and the approval of His Privy Council, to appoint and remove at His pleasure any of the several heads of the Executive Departments, and he may require information in writing from any of the officers in the Executive Departments, upon any subject relating to the duties of their respective offices.

ART. 33. It is his duty to see that the Treaties and Laws of the land are faithfully observed and executed.

ART. 34. The King has the power from time to time, to assemble His Cabinet or Privy Councillors to advise with him agreeably with the Constitution and Laws of the land.

ART. 35. The person of the King is inviolable and sacred; His Ministers are responsible; to the King belongs the Executive power; all laws that have passed both Houses of the Legislature, for their

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valjdity, shall be signed by His Majesty and the Kuhina Nui ; all his other official acts shall be approved by the Privy Council, countersigned by the Kuhina Nui, and by the Minister to whose Department such act may belong.

ART. 36. The King is Sovereign of all the Chiefs and of all the People ; the Kingdom is His.

ART. 37. All titles of honor, orders, and other distinctions emanate from the King.

ART. 38. The King coins money and regulates the currency by law.

ART. 39. The King, by and with the approval of His Cabinet and Privy Council, in a case of invasion or rebellion, can place the whole Kingdom, or any part of it under martial law ; and he can even alienate it, if indispensable to free it from the insult and oppression of any foreign power.

ART. 40. The King's Standard and the National Ensign are maintained as now established.

ART. 41. The King's private lands and other property are inviolable.

ART. 42. The King cannot be sued or held to account in any court or tribunal of the Realm.

SECTION II.—OF THE KUHINA NUI.

ART. 43. The King appoints some chief of rank and ability to be his Kuhina Nui, who shall be styled the Kuhina Nui of the Hawaiian Islands, and whose title shall be Highness.

ART. 44. The Kuhina Nui shall be the King's special Counsellor in the great affairs of the Kingdom. All business connected with the special interests of the Kingdom, which the King wishes to transact, shall be done by the Kuhina Nui under the authority of the King. All Acts, Royal Patents, Commissions, and other official documents, duly executed by the Kuhina Nui in the name and by the consent of the King, agreeably with Article 35, unless specially excepted by law, shall be equally binding as if executed by the King himself.

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ART. 45. All important business of the Kingdom which the King chooses to transact in person, he may do, but not without the approbation of the Kuhina Nui. The King and Kuhina Nui shall have a negative on each others public acts.

ART. 46. The Kuhina Nui shall have charge of the Great Seal of the Kingdom, of the Royal Standard, and of the National Flag ; and in the absence of the King, he shall preside over the deliberations of the Privy Council.

ART. 47. Whenever the throne shall become vacant by reason of the King's death, or otherwise, and during the minority of any heir to the throne, the Kuhina Nui, for the time being, shall, during such vacancy or minority, perform all the duties incumbent on the King, and shall have and exercise all the powers, which by this Constitution are vested in the King.

ART. 48. Whenever during the vacancy of the throne, or the minority of any heir to it, the office of Kuhina Nui shall become vacant by death, resignation, or otherwise, then the Privy Council, or the major part of them, shall during such vacancy, have full power and authority to do, and execute all and every such acts, matters, and things, as the King or the Kuhina Nui might or could, by virtue of this Constitution, do or execute. And in such case, the Privy Council, immediately after the occurring of such vacancy, shall cause a meeting of both Houses of the Legislature, who shall elect by joint ballot a person to fill the office of Kuhina Nui.

SECTION III.—OF THE PRIVY COUNCIL.

ART. 49. There shall continue to be a Council of State for advising the King in the Executive part of the Government, and in directing the affairs of the Kingdom, according to the Constitution and laws of the land, to be called *the King's Privy Council of State.*

ART. 50. The members of the Privy Council are appointed by the King, and hold their offices during His Majesty's pleasure. The King's Ministers and the Governors of the Islands are, ex-officio, members of His Privy Council. The Privy Council regulates its own proceedings by By-laws enacted by themselves and approved by the King.

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SECTION IV.—OF THE KING'S MINISTERS.

ART. 51. The Ministers of the King are appointed and commissioned by Him, and hold their offices during His Majesty's pleasure, subject to impeachment.

ART. 52. The King's Ministers constitute his Cabinet Council, and, as such, are his special advisers in the Executive affairs of the Kingdom.

ART. 53. Each of them shall keep an office at the seat of Government, be accountable for the conduct of his deputies and clerks; and grant information, so far as may consist with the King's honor and the good of the public service, to either House of the Legislature, or attend upon either in person, or by a deputy, as such house shall determine.

ART. 54. Each of them shall make an annual report to the Legislature, made up to the first of January next preceding, of the transactions and business of his Department, within one week after the opening of the Legislature.

ART. 55. The King's Ministers hold seats in the House of Nobles; and they have the right to be heard in the House of Representatives, when accused of mal-administration in office.

SECTION V.—OF THE GOVERNORS.

ART. 56. The King, by and with the advice of His Privy Council appoints and commissions the Governors of His several Islands; the Governors hold office for the term of four years, subject to impeachment.

ART. 57. The King with the consent of the Governor, may appoint in one or more islands, a Lieutenant Governor, during His pleasure, to assist the Governor but always subordinate to him in authority.

ART. 58. The Governors, in case of sickness, or unavoidable absence, in all cases where no Lieutenant Governor has been appointed, have power to appoint substitutes, for all whose official acts they are responsible.

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ART. 59. The Governors, subject to the King shall have the executive control of their respective Islands, agreeably with the Constitution and laws of the land ; and they shall have the command of the military forces of their respective Islands, and shall make an annual report of the administration of their respective Islands to the Minister of the Interior.

OF THE LEGISLATIVE POWER.

ART. 60. The Legislative Power of this Kingdom is vested in the King, the House of Nobles and the House of Representatives ; each of whom has a negative on the other.

ART. 61. The Legislative Body shall assemble annually, for the purpose of seeking the welfare of the nation, in the first week in April, and at such other time, and in the place that the King may judge necessary. This Body shall be styled the Legislature of the Hawaiian Islands.

ART. 62. Full power and authority are hereby given to said Legislature, from time to time, to make all manner of wholesome laws, either with penalties or without, as they shall judge to be for the welfare of the nation, and for the necessary support and defense of good government ; provided the same be not repugnant or contrary to this Constitution

ART. 63. No bill or resolution, although it may have passed the Legislature shall become a law, or have force as such, until it shall have been presented to the King, through the Kuhina Nui, for his revisal and if he approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return it with his objections in writing to that House in which it shall have originated, who shall enter the objections at large on their journal, and no such bill shall be brought forward thereafter during the same session.

ART. 64. Each House shall be the judge of the qualifications of its own members, and a majority of each shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide.

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ART. 65. Each House shall choose its own officers, and determine the rules of its own proceedings.

ART. 66. Each House shall have authority to punish by imprisonment, not exceeding thirty days, every person, not a member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behavior in its presence ; or who during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the House, or who shall assault any of them therefor, or who shall assault or arrest any witness, or other person ordered to attend the House, in his way going or returning ; or who shall rescue any person arrested by the order of the House.

ART. 67. Each House may punish its own members for disorderly behavior.

ART. 68. Each House shall keep a journal of its proceedings, and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

ART. 69. The members of either House shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same ; and they shall not be held to answer for any speech, or debate made in the House, in any other court or place whatsoever.

ART. 70. The Members of the House of Representatives shall receive, for their services a compensation to be ascertained by law and paid out of the public treasury, but no increase of compensation shall take effect during the year in which it shall have been made ; and no law shall be passed, increasing the compensation of said members beyond the sum of three dollars per day.

ART. 71. The members of the House of Nobles sit without pay ; but they may receive hereafter such a compensation as the law may enact.

OF THE HOUSE OF NOBLES.

ART. 72. The King appoints the members of the House of Nobles

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who hold their seats during life, subject to the provision of Article 67 ; but their number shall not exceed thirty.

ART. 73. No person shall be eligible to a seat in the House of Nobles, who shall not have attained to the age of twenty-one years and resided in the Kingdom five years.

ART. 74. The House of Nobles shall be a Court with full and sole authority to hear and determine all impeachments made by the House of Representatives, against any officer or officers of the Kingdom, for misconduct and mal-administration in their offices ; but previous to the trial of every impeachment, the members shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence and the law. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place of honor, trust, or profit, under this government ; but the party, so convicted, shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

OF THE HOUSE OF REPRESENTATIVES.

ART. 75. The House of Representatives shall be composed of not less than twenty-four nor more than forty members, who shall be elected annually.

ART 76. The Representation of the people shall be based on the principle of equality, and shall be forever regulated and apportioned according to the population, to be ascertained by the official census. In the year one thousand eight hundred and fifty-three, and every sixth year thereafter, the number of Representatives shall be fixed by the Legislature agreeably with this and the preceding Article.

ART. 77. No person shall be eligible for a Representative of the people, who is insane, or an idiot, or who shall at any time have been convicted of any infamous crime, nor unless he be a male subject or denizen of the Kingdom, who shall have arrived at the full age of twenty-five years, who shall know how to read and write, who shall understand accounts and who shall have resided in the Kingdom for at least one year immediately preceding his election.

ART. 78. Every male subject of His Majesty, whether native or

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naturalized, and every denizen of the Kingdom who shall have paid his taxes, who shall have attained the full age of twenty years, and who shall have resided in the Kingdom for one year immediately preceding the time of election, shall be entitled to one vote for the representative, or representatives, of the district in which he may have resided three months next preceding the day of election; provided that no insane person, nor any person who shall at any time have been convicted of any infamous crime, within this Kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon been restored to all the rights of a subject, shall be allowed to vote.

ART. 79. All bills or resolves for raising revenue, or calling for any expenditure of the public money, shall originate in the House of Representatives; but the House of Nobles may propose or concur with amendments as on other bills.

ART. 80. The House of Representatives shall be the grand inquest of the Kingdom; and all impeachments made by them shall be heard and tried by the House of Nobles.

OF THE JUDICIARY.

ART. 81. The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such inferior courts as the Legislature may, from time to time, establish.

ART. 82. The Supreme Court shall consist of a Chief Justice and two associate Justices, any of whom may hold the court. The Justices of the Supreme Court shall hold their offices during good behavior, subject to removal upon impeachment; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. Provided, however, that any Judge of the Supreme Court, or of any other Court of Record, may be removed from office for mental or physical inability by a concurrent resolution of two-thirds of both branches of the Legislature. The Judge, against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the Legislature shall act thereon.

ART. 83. The Kingdom shall be divided, by law, into a convenient

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number of circuits, not less than four, nor exceeding eight, subject to alteration by the Legislature, from time to time, as the public good may require ; for each of which one or more Circuit Judges, not exceeding three, however, shall be appointed to hold their offices during good behavior, subject to removal upon impeachment.

ART. 84. The judicial power shall extend to all cases, in Law and Equity, arising under the Constitution, any law of this Kingdom, and treaties made, or which shall be made under their authority ; to all cases affecting Ambassadors, other public Ministers and Consuls, and to all cases of Admiralty and maratime jurisdiction.

ART. 85. The Judicial power shall be divided among the Supreme Court and the several inferior courts of the Kingdom, in such manner as the Legislature may from time to time indicate.

ART. 86. The Chief Justice of the Supreme Court shall be the Chancellor of the Kingdom ; he shall be ex-officio President of the House of Nobles in all cases of impeachment, unless when impeached himself ; and exercise such jurisdiction in equity or other cases as the law may confer upon him, his decisions being subject, however, to the revision of the Supreme Court, on appeal.

ART. 87. The decisions of the Supreme Court, when made by a majority of the Justices thereof, shall be final and conclusive upon all parties.

ART. 88. The King, His Ministers, the Governors, and each branch of the Legislature shall have authority to require the opinions of the Justices of the Supreme Court, upon important questions of law, and upon solemn occasions.

ART. 89. The King, by and with the advice of His Privy Council, appoints the Justices of the Supreme Court, and all other Judges of Courts of Record ; their salaries are fixed by law.

ART. 90. The Governors, by and with the advice of the Justices of the Supreme Court, shall appoint the District Justices of their respective islands.

ART. 91. In order that the people may not suffer from long continuance in place of any District Justice, who shall fail of discharging the important duties of his office with ability and fidelity, all commissions of District Justices shall expire and become void in the term of

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two years from their respective dates ; and upon the expiration of any commission the same shall be renewed, or another person appointed, as shall most conduce to the well being of the Kingdom. Provided always, that District Justices shall be subject to removal at any time by the Circuit Court of their respective islands, for causes particularly assigned by the Judges of said Court in rendering their judgment. But no District Justice shall be removed until he shall have notice of the charges made against him and an opportunity of being heard in his defence.

ART. 92. No Judge or Magistrate can sit alone on an appeal or new trial, in any case on which he may have given a previous judgment.

ART. 93. It shall be the duty of the Chief Justice to make an annual report, through the Minister of the Interior, to the Legislature of the state of the Judiciary of the Kingdom in all its branches.

OF OATHS.

ART. 94. The King, after approving this Constitution, shall take the following oath :

I solemnly swear, in the presence of Almighty God, to maintain the Constitution of the Kingdom whole and inviolate, and to govern in conformity with that and the laws.

ART. 95. The Kuhina Nui shall take the same oath ; and when exercising the Executive Power, during a minority, he shall take the following oath :

I solemnly swear, in the presence of Almighty God, to preserve the rights of the Heir to the Crown, and the Constitution whole and inviolate, and to govern in conformity with that and the law.

ART. 96. Every member of the House of Nobles shall take the following oath :

I most solemnly swear, in the presence of Almighty God, that I will loyally support the Constitution and Laws of the Hawaiian Islands, and conscientiously and impartially discharge my duty as a member of this House.

ART. 97. Every member of the House of Representatives shall take the following oath :

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I most solemnly swear, in the presence of Almighty God, that I will faithfully support the Constitution and Laws of the Hawaiian Islands, and conscientiously and impartially discharge my duties as a Representative of the people.

GENERAL PROVISIONS.

ART. 98. No person shall ever hold a seat in the Legislature, or any office of honor, trust, or profit under the Government of the Hawaiian Islands, who shall in due course of law, have been convicted of theft, bribery, perjury, forgery, embezzlement, or other high crime or misdemeanor.

ART. 99. No officer of this Government shall hold any office, or receive any pension or salary, from any other government or power whatever.

ART. 100. The Legislature votes the appropriations for the year, after due consideration of the revenue and expenditure of the year preceding, and of the estimates of the revenue and expenditure for the current year, which shall be submitted to them by the Minister of Finance ; all which accounts shall be appended to the Bill of Appropriations and published annually.

ART. 101. The enacting style in making and passing all Acts and Laws, shall be : "Be it enacted by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled."

ART. 102. To avoid improper influences which may result from intermixing in one and the same Act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

ART. 103. All laws now in force in this Kingdom, shall continue and remain in full effect, until altered or repealed by the Legislature ; such parts only excepted as are repugnant to this Constitution. All laws now enacted, or that may hereafter be enacted, contrary to this Constitution, shall be null and void.

ART. 104. This Constitution shall be in force from the first Monday of December in the year one thousand eight hundred and fifty-two ; but that there may be no failure of justice, or danger to the

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Kingdom, from any change, all officers of this Kingdom, at the time this Constitution shall take effect, shall have, hold, and exercise all the powers to them granted, until other persons shall be appointed in their stead ; and all courts of law shall proceed in the execution of the business of their respective departments ; and all executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of their trusts, employments and authority, until new appointments or elections shall take place under this Constitution.

MODE OF AMENDING THE CONSTITUTION.

ART. 105. Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and if the same shall be agreed to by a majority of the members of each house, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the next legislature ; which proposed amendment or amendments, shall be published for three months previous to the election of the next House of Representatives ; and if, in the next Legislature, such proposed amendment or amendments, shall be agreed to by two-thirds of all the members of each House, and be approved by the King, such amendment or amendments shall become part of the Constitution of this Kingdom.

KAMEHAMEHA.

KEONI ANA.

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ARTICLES

OF AMENDMENT OF THE CONSTITUTION OF THIS KINGDOM PROPOSED AND AGREED TO, PURSUANT TO THE 105TH ARTICLE OF THE ORIGINAL CONSTITUTION.

ART. 1. Article 27 is hereby amended in the Native version only by striking out the words "Alihikaua," and by inserting the words "Ka Luna Nui," so that the Article as amended will read as follows:

"O ke Alii Ka Luna Nui maluna o na Koa a me na manuwa a me na mea Kaua e ae ma ka moana a me ka Aina; a nona ka mana ma ona iho, a ma o kekahi Luna Koa, a mau Luna paha ana e koho ai, e ao a e hooponopono i ua mau mea Kaua nei mamuli o kona manao e pono a e malu ai ke Aupuni, Aka, aole e pono ia ia ke hapai i ke kaua me ka ae ole o kona Ahakukakuka malu."

ART. 2. Article 29th is hereby amended by striking out the words "Session of next year," and inserting in the same Article "term of two years," so that the Article as amended will read as follows:

"The King by and with the advice of His Privy Council, convenes both Houses of the Legislature at the seat of Government or any different place, if that should become dangerous from an enemy or any dangerous disorder; and in case of disagreement between the two Houses, or between His Majesty and them, He adjourns, prorogues, or dissolves them, but not beyond the term of two years; under any great emergency He may convene both or either of them to extraordinary sessions."

ART. 3. Article 32d is hereby amended by striking out the words "appoint and," so that the Article as amended will read as follows:

"He has the power, by and with the advice of His Cabinet and the approval of His Privy Council, to remove at his pleasure, any of the several heads of the Executive Departments and He may require information in writing from any of the officers in the Executive Departments, upon any subject relating to the duties of their respective offices."

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ART. 4. Article 43d is hereby amended by striking out the words "whose title shall be Highness," and inserting the words "shall be addressed by the birth title, or such title as may have been conferred by His Majesty," so that the Article as amended will read as follows :

"The King appoints some Chief of rank and ability to be His Kuhina Nui, who shall be styled the Kuhina Nui of the Hawaiian Islands, and shall be addressed by the birth title, or such title as may have been conferred by His Majesty."

ART. 5. Article 54th is hereby amended by striking out the words "an annual," and also of the words "January next preceding," and inserting the words "day of the fiscal year," so that the Article as amended will read as follows :

"Each of them shall make a report to the Legislature, made up to the first day of the fiscal year, of the transactions and business of his Department, within one week after the opening of the Legislature."

ART. 6. Article 61st is hereby amended by striking out the words "annually," and inserting the word "biennially," and by striking out the words "in the first week in April and," and also the word "other," so that the Article as amended will read as follows :

"The Legislative Body shall assemble biennially, for the purpose of seeking the welfare of the Nation, at such time and in the place that the King may judge necessary. This Body shall be styled the Legislature of the Hawaiian Islands."

ART. 7. Article 100 is hereby amended so as to read as follows :

"The Legislature votes the appropriations biennially, after due consideration of the revenue and expenditure for the two preceding years, and of the estimates of the revenue and expenditure of the two succeeding years, which shall be submitted to them by the Minister of Finance."

ART. 8. Article 72 is hereby amended by inserting after the words "during life," the following "unless in case of resignation," so that the Article as amended will read :

"The King appoints the members of the House of Nobles, who hold their seats during life, unless in case of resignation, subject to the provisions of Article 67, but their number shall not exceed thirty."

Approved this 18th day of April, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

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